

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHELLE LYNN BIGGS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-21-01040-PRW
	)	
KILOLO KIJAKAZI, Acting	)	
Commissioner of the Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**ORDER**

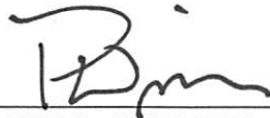
This 42 U.S.C. § 405(g) action for judicial review of the final decision of the Commissioner of the Social Security Administration (“SSA”) is before the Court on U.S. Magistrate Judge Shon T. Erwin’s Report & Recommendation (Dkt. 20), entered on May 23, 2022. Plaintiff Michelle Biggs’ application for disability benefits was denied initially and upon reconsideration by the SSA. Ms. Biggs requested a hearing before an Administrative Law Judge (“ALJ”), who also denied her application for disability benefits. This denial was subsequently affirmed by the Appeals Council.

In her complaint before this Court, Ms. Biggs claimed five errors in the ALJ’s ruling: (1) failure to explain the treatment of certain psychologists’ findings and failure to resolve a conflict between those findings and the level of reasoning required for the jobs ultimately identified for Ms. Biggs, (2) lack of physical evidence to support the RFC, (3) error in consideration of the evidence relating to Plaintiff’s COPD, (4) failure to perform a function-by-function strength analysis as required by rule, and (5) error in evaluating Ms.

Bigg's subjective allegations. Upon review of these arguments, Magistrate Judge Erwin concluded that the ALJ's conclusions relating to the second, third, fourth, and fifth arguments contained either no error or harmless error and should therefore be affirmed. However, on the first argument, Magistrate Judge Erwin concluded that the ALJ failed to adequately explain the difference between the findings of the relied-on psychologists and the work level of the recommended jobs, and that the case must be remanded for a sufficient explanation of the findings of Dr. Lochner and Dr. Rolison.

No party has objected to the Report & Recommendation within the time limits prescribed. The Court has also reviewed the Report & Recommendation (Dkt. 20) de novo and agrees with the reasoning and conclusions therein. Accordingly, the Court **ADOPTS** Magistrate Judge Erwin's Report & Recommendation (Dkt. 20) in its entirety and **REVERSES AND REMANDS** the decision of the Commissioner for further explanation of the first issue, as outlined more fully in Section V of the Report & Recommendation.

**IT IS SO ORDERED** this 23rd day of June 2022.

  
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PATRICK R. WYRICK  
UNITED STATES DISTRICT JUDGE